

Variance Application

Boards of Adjustment in North Carolina function as a quasi-judicial body. Therefore, ex parte contact between applicants, other interested persons, or their respective representatives and members of the Board is inappropriate and not permitted. This guideline is reflected in the Rules of Conduct of the Greenville Board of Adjustment. Rule 4-5 states:

No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board. (VIOLATION OF THIS RULE SHALL BE CAUSE FOR DISMISSAL.) Rules of Procedures, Zoning Board of Adjustment, Greenville, North Carolina.

INSTRUCTIONS FOR FILING AN APPLICATION FOR A VARIANCE

1. The applicant for a variance must complete this application in full. The application must be signed by the property owner(s) or their authorized representative (See page 6). **This application will not be processed unless all information requested is provided.**
2. In order to be considered by the Board of Adjustment, applications must be submitted to the Planning and Community Development Department **at least twenty (20) working days** prior to the meeting.

The Board's monthly meeting is held on the fourth Thursday of each month from January - October. For the months of November and December the meeting is held on the third Thursday.

The Board meets in the Council Chambers of the Municipal Building, located at the corner of Washington Street and Martin Luther King Jr. Drive at 7:00 PM.

For additional information or assistance, call the City of Greenville Planning Office at **329-4498**.

3. The filing fee for each application is set out in the Manual of Fees (**Currently \$500.00**).
4. The applicant shall submit to the Planning and Community Development Department a list of all adjoining property owners (APO), as listed on the current Pitt County Tax Registry, who own property within one hundred (100) feet of the parcel, which is the subject of the action.

The City will notify these adjoining property owners of the proposed request, by first class mail.

Adjoining property owners' names, tax parcel numbers, and addresses shall be obtained from the Pitt County Tax Assessors Office.

Please attach the adjoining property owner list to the application.

Note: Where the property is bound by a street, alley, stream, or similar boundary separation, the land across such boundary shall also be considered as an adjoining property.

5. Thirty (30) paper copies of an accurate plot plan of the property in question must accompany the application. The plot plan shall be on paper having a size of between 8 1/2" x 11" minimum up to 30" x 42" maximum **(folded)** and a scale of 1" = 200' or larger. The plot plan shall include:

- location and dimension of:
 - the entire lot including recorded easements;
 - all existing and proposed structures (principal and accessory) including number of stories and gross floor area;
 - all existing driveway(s), drive isles, and pedestrian improvements on site and on adjoining properties within ten (10) feet of the subject lot;
 - all existing and proposed parking areas including the total number of spaces (where the subject use is to share a common parking area with other existing or future uses indicate the allocation of spaces devoted or reserved to each separate use);
 - topographical features (streams, ditches, etc.);
 - required bufferyards;
 - minimum building lines (MBL) and existing and future right-of-way lines (R/W);
 - location or vicinity map may be drawn to a scale of not less than 1" = 1000';

NOTE: These are minimum submission requirements. The Board of Adjustment reserves the right to require additional information where such submission is necessary to insure compliance with applicable criteria in the individual case. The applicant is encouraged to submit additional information if desired.

BOA _____ - _____

Date Received _____

Receipt Number _____

CITY OF GREENVILLE
VARIANCE APPLICATION

Applicant Name(s) _____

Contact Name and Mailing Address _____

Contact Phone Number (_____) _____

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Location /Street address where variance is requested _____

Tax Parcel # _____

Variance requested from section(s) _____

_____ of the Greenville City Code.

Reason for Variance _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance:

- 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:
 - (a) If the applicant complies with the provisions of the ordinance, the applicant can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable).

- (b) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: hardships suffered by the applicant in common with neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e., a ditch which runs through the property.)

- (c) The hardship is not the result of the applicant's own actions.

2. The variance is in harmony with the general purposes and intent of the ordinance and preserves it spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

3. The granting of the variance secures the public safety and welfare and does substantial justice. In the following spaces, indicate the facts that you intend to show and the arguments you intend to make to convince the Board that it can properly reach these three required conclusions. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question for the purpose of alerting the general public of my request.

<hr/>	<hr/>	<hr/>
Print Name	Signature of Applicant	Date
<hr/>	<hr/>	<hr/>
Print Name	Signature of Applicant	Date

NOTE: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board of Adjustment to take action on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We _____ am /are the owner(s) of the property located at _____.

I /We hereby authorize _____
to appear by consent before the Greenville Board of Adjustment in order to ask for a variance to

at this location. I /We understand that the variance if granted, is permanent and runs with the land. I /We authorize the City of Greenville to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact _____ at my address,

or by telephone at (_____) _____ or (_____) _____.

Respectfully yours,

Owner Date

Owner Date

Sworn to and subscribed before me, this the _____ day of _____,
200____.

Notary Public

My Commission Expires:
